

1 HJR616
2 75394-1
3 By Representatives Gipson, Vance, Hubbard, Allen, McClurkin,
4 McClendon, Galliher, Beason, Ward, Ball, Humphryes, Wood,
5 Boothe and Martin
6 RFD: Rules
7 First Read: 21-APR-05

APPLYING TO THE UNITED STATES CONGRESS FOR A
CONVENTION TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE
UNITED STATES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
HOUSES THEREOF CONCURRING, That this Legislature, pursuant to
Article V of the Constitution of the United States, hereby
makes application to the Congress of the United States to call
a convention for the purpose of adopting the following
amendment to the Constitution of the United States:

Proposed Amendment

Section 1. This amendment may be cited as the
"Marriage Protection Amendment."

Section 2. Marriage in the United States shall
consist only of the union of a man and a woman. Neither this
Constitution, nor the constitution of any State, shall be
construed to require that marriage or the legal incidents
thereof be conferred upon any union other than of a man and a
woman.

1 BE IT FURTHER RESOLVED, That this application by the
2 Legislature of the State of Alabama constitutes a continuing
3 application in accordance with Article V of the Constitution
4 of the United States until at least two-thirds of the
5 legislatures of the several states have made similar
6 applications pursuant to Article V.

7 BE IT FURTHER RESOLVED, That since this method of
8 proposing amendments to the Constitution has never been
9 completed to the point of calling a convention and no
10 interpretation of the power of the states in the exercise of
11 this right has ever been made by any court or any qualified
12 tribunal, and since the exercise of the power is a matter of
13 basic sovereign right and the interpretation thereof is
14 primarily in the sovereign government making the exercise, and
15 since the power to use the right in full also carries the
16 power to use the right in part, the Legislature of the State
17 of Alabama interprets Article V to mean that if two-thirds of
18 the states make application for a convention to propose an
19 identical amendment to the Constitution for ratification with
20 a limitation that such an amendment would be the only matter
21 before it; that such a convention would have power only to
22 propose the specified amendment and would be limited to such a
23 proposal; and would not have power to vary the text thereof or
24 propose other amendments on the same or a different
25 proposition.

26 BE IT FURTHER RESOLVED, That a duly attested copy of
27 this resolution be immediately transmitted to the Secretary of

1 the Senate of the United States, the Clerk of the House of
2 Representatives of the United States, to each member of the
3 Alabama Congressional Delegation, and to each house of each
4 State Legislature in the United States.